IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

Bail Appl..No. 862 of 2007()

CRIME NO. 6/07 OF KOLAVALLOOR POLICE STATIION

PETITIONERS/ACCUSED NO. 5
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1. BASHEER, NALUMANDY, S/O.AHAMMAD,
BUSINESS, NALUKANDIYIL HOUSE, KADAVATHUR,
KANNUR DISTRICT.

2. ANSAR.N., S/O.AMMED,
KOODENTAVIDE HOUSE, BUSINESS, KADAVATHUR,
KANNUR DISTRICT.

BY ADV. SRI.GRASHIOUS KURIAKOSE

RESPONDENTS: COMPLAINANT

STATE-S.H.O. KOLAVALLUR POLICE STATION,
REP. BY THE PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application NO. 862 of 2007

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DATED: 13-02-2007

O R D E R

Petitioners are accused Nos. 5 and 3 of Kolavalloor Police Station for offences punishable under Sections 143, 147, 148, 341, 324 and 308 read with Sec. 149 I.P.C., seek anticipatory bail.

2. The occurrence took place on 06-01-2007 during which the de facto complainant sustained injuries mainly at the hands of A1 and A3 who were wielding iron rods.

3. The learned Public Prosecutor opposed the application. In as much as no overt acts are attributed to the 5th accused in the case, I am inclined to grant anticipatory bail to the 5th accused. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release the 5th accused on bail for a period of one month in the event of his arrest in connection with the above case on his executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

1. The 5th accused shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The 5th accused shall make himself available for interrogation as and when required by the Investigating Officer.

3. The 5th accused shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

4. The 5th accused shall not commit any offence while on bail.

5. The 5th accused shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

4. If the 5th accused commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

5. In the case of the 3rd accused, I am not inclined to grant anticipatory bail. I am, however, inclined to permit him to surrender before the Investigating Officer and then have his application for regular bail ordered by the Magistrate concerned. Accordingly, the 3rd accused shall surrender before the Investigating Officer on any day between 19-02-2007 and 21-02-2007 for the purpose of custodial interrogation and recovery of incriminating materials, if any. Thereafter the 3rd accused shall be produced before the Magistrate having jurisdiction, on the same

day. The Magistrate shall consider and dispose of the application, if any, filed by the petitioner for regular bail preferably on the same day on which it is filed.

This petition is partly allowed.

V.RAMKUMAR, JUDGE

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